

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	1:95-cr-53 (LMB)
KEITH EUGENE GAFFNEY,	)	
	)	
Defendant.	)	

ORDER

On December 28, 2020, defendant Keith Eugene Gaffney (“defendant” or “Gaffney”), acting pro se, filed a Motion for Compassionate Release Pursuant to 18 U.S.C. § 3582(c)(1)(A) (“Motion for Compassionate Release”) [Dkt. No. 179] and a Motion For This Honorable Court to Order a Public Defender to Review the Petitioner’s Compassionate Release Motion, to Determine if the Motion Presents Extraordinary and Compelling Reasons that Warrant Appointment of Counsel, for a Second Look at Resentencing Under the Act Which the Petitioner Asserts That It Does (“Motion for Appointment of Counsel”) [Dkt. No. 180].

Under 18 U.S.C. § 3582(c)(1)(A), a prisoner is only permitted to file a motion for compassionate release in federal court after he has “fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier.” As shown by a letter defendant attached to his motion, the Bureau of Prisons (“BOP”) declined to file a motion for compassionate release on his behalf. That letter establishes that defendant has exhausted his administrative remedies.

Although defendant raises issues about the legitimacy of his conviction and sentence in his Motion for Compassionate Release, those matters have previously been fully settled and will

not be further addressed by this Court; however, defendant also raises compelling issues regarding compassionate release. Finding that defendant has appropriately exhausted his administrative remedies, and to ensure that defendant's Motion for Compassionate Release is appropriately briefed, it is hereby

ORDERED that the Office of the Federal Public Defender ("FPD") be and is appointed to assist defendant with briefing his motion for compassionate release. The Probation Office is directed to provide the FPD with a copy of defendant's Presentence Investigation Report; and it is further

ORDERED that the government file a response to the motion within thirty (30) days of receiving a revised motion from defendant's counsel. In its response, the government should provide the Court with a thorough report of defendant's institutional behavior, and also an explanation as to why the defendant has remained at USP Florence ADMAX for over 20 years.

The Clerk is directed to forward copies of this Order to defendant pro se, Assistant United States Attorney Patricia Giles, the Office of the Federal Public Defender, and the Probation Office.

Entered this 31<sup>st</sup> day of December, 2020.

Alexandria, Virginia

/s/ [Signature]  
Leonie M. Brinkema  
United States District Judge